

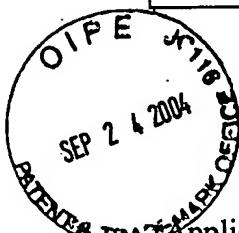
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EP. 24 2004

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*Elaine C. Stracker*  
Elaine C. Stracker



PATENT  
Attorney's Docket No.: 00020.08CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hodges et al.  
Serial No.: 10/696,959  
Filed: 10/30/2003  
Title: DELIVERY OF AEROSOLS CONTAINING SMALL PARTICLES  
THROUGH AN INHALATION ROUTE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with their continuing duty of disclosure under 37 CFR §§ 1.97, 1.98 and 1.56, Applicants hereby submit for consideration in the above-identified application the enclosed references. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), however, the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by the fee set forth in 37 CFR 1.97 (e) of \$180.00. The Applicants authorize the Commissioner to charge the cost of this fee to Deposit Account No. 502731.

For the convenience of the Examiner, the references are listed on a PTO Form 1449 (attached) and copies thereof are enclosed. Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

09/27/2004 MBLANCO 00000011 502731 10696959

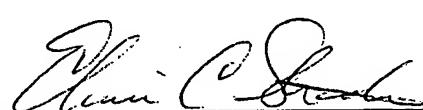
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In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines than an extension and/or other relief is required, Applicants petition for any required relief including any extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 502731. Please direct all correspondence to the following customer number.

Respectfully submitted,

Date: SEP. 24 2004



Elaine C. Stracker J.D., Ph.D., Reg. 43,166

Alexza Molecular Delivery Corporation  
1001 East Meadow Circle  
Palo Alto, CA 94303  
TEL: (650) 687-3905  
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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

\$180.00

## Complete if Known

Application Number	10/696,959
Filing Date	10/30/2003
First Named Inventor	Craig C. Hodges
Examiner Name	M. Haghigian
Art Unit	1616
Attorney Docket No.	00020.08CON

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None  
 Deposit Account:

Deposit Account Number **502731**  
 Deposit Account Name **Alexza Molecular Delivery**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					

## 2. EXTRA CLAIM FEES FOR UTILITY AND

Total Claims	-20** =	0	X		=	0.00
Independent Claims	-3** =	0	X		=	0.00
Multiple Dependent						

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 over original patent	
SUBTOTAL (2) (\$)					

09/27/2004 MB LANCO 00000011 1069695 and over original patent

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\*\*or number previously paid, if greater; For Reissues, see above

SUBTOTAL (3) (\$)

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\*Reduced by Basic Filing Fee Paid

Complete (if applicable)					
Name (Print/Type)	Elaine C. Stracker	Registration No. (Attorney/Agent)	433,166	Telephone	650-687-3905
Signature			Date	SEP. 24 2004	

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/696,959

Filing Date 10/30/2003

First Named Inventor Hedges

Art Unit 1616

Examiner Name M. Haghigian

Attorney Docket Number 00020.08CON

## ENCLOSURES (check all that apply)

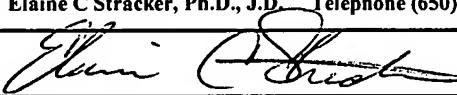
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 Amendment / Reply  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Response to Missing Parts/ Incomplete Application  
 Response to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert a Provisional Application  
 Power of Attorney, Revocation Change of Correspondence  
 Terminal Disclaimer  
 Request for Refund  
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After Allowance communication to Group  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s) (please identify below):

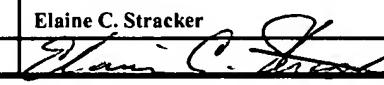
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 Form 1449 (3 copies, 8 pages each)  
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

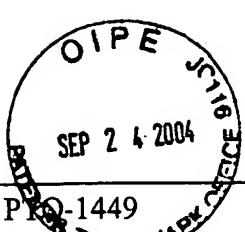
Firm or Individual name	ALEXZA MDC, 1001 East Meadow Circle, Palo Alto, CA 94303 Elaine C Stracker, Ph.D., J.D. Telephone (650)-687-3905		Customer Number 37485
Signature			
Date	SEP. 24 2004		

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Typed or printed name	Elaine C. Stracker		
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Form PTO-1449

 INFORMATION DISCLOSURE CITATION  
 IN AN APPLICATION

(Use several sheets if necessary)

Docket Number: 00020.08CON		Application Number: 10/696,959
Applicant: Craig C. HODGES, et al.		
Filing Date: 10/30/2003	Group Art Unit: 1616	

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/02/1971	3,560,607	Hartley et al.			
	2.	09/15/1987	4,693,868	Katsuda et al.			
	3.	11/24/1987	4,708,151	Shelar			
	4.	12/22/1987	4,714,082	Banerjee et al.			
	5.	04/05/1988	4,735,217	Gerth et al.			
	6.	04/12/1988	4,756,318	Clearman et al.			
	7.	06/28/1988	4,753,758	Miller			
	8.	09/20/1988	4,771,795	White et al.			
	9.	12/27/1988	4,793,365	Sensabaugh, Jr. et al.			
	10.	08/08/1989	4,854,331	Banerjee et al.			
	11.	08/22/1989	4,858,630	Banerjee et al.			
	12.	11/21/1989	4,881,556	Clearman, et al.			
	13.	01/23/1990	4,895,719	Radhakrishnun et al.			
	14.	05/29/1990	4,928,714	Shannon			
	15.	07/17/1990	4,941,483	Ridings et al.			
	16.	08/14/1990	4,947,874	Brooks et al.			
	17.	08/14/1990	4,947,875	Brooks et al.			
	18.	02/05/1991	4,989,619	Clearman et al.			
	19.	05/28/1991	5,019,122	Clearman et al.			
	20.	06/04/1991	5,020,548	Farrier et al.			
	21.	07/01/1991	5,027,836	Shannon et al.			
	22.	07/23/1991	5,033,483	Clearman et al.			
	23.	08/27/1991	5,042,509	Banerjee et al.			
	24.	09/17/1991	5,049,389	Radhakrishnun			
	25.	10/29/1991	5,060,666	Clearman et al.			
	26.	11/26/1991	5,067,499	Banerjee et al.			

EXAMINER:

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Form PTO-1449 <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		Docket Number: 00020.08CON		Application Number: 10/696,959
		Applicant: Craig C. HODGES, et al.		
		Filing Date: 10/30/2003		Group Art Unit: 1616

27.	12/31/1991	5,076,292	Sensabaugh, Jr. et al.			
28.	04/21/1992	5,105,831	Banerjee et al.			
29.	06/09/1992	5,119,834	Shannon et al.			
30.	07/28/1992	5,133,368	Neumann et al.			
31.	08/11/1992	5,137,034	Perfetti et al.			
32.	10/20/1992	5,156,170	Clearman et al.			
33.	07/06/1993	5,224,498	Deevi et al.			
34.	10/05/1993	5,249,586	Morgan et al.			
35.	02/14/1995	5,388,574	Ingebrethsen			
36.	02/14/1995	5,388,574	Ingebrethsen			
37.	10/10/1995	5,456,247	Schilling, et al.			
38.	08/13/1996	5,544,646	Lloyd et al.			
39.	12/09/1997	5,694,919	Rubsamen et al.			
40.	04/07/1998	5,735,263	Rubsamen et al.			
41.	04/14/1998	5,738,865	Baichwal et al.			
42.	06/29/1999	5,915,378	Lloyd et al.			
43.	08/10/1999	5,934,272	Lloyd et al.			
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45.	10/05/1999	5,960,792	Lloyd et al.			
46.	11/30/1999	5,993,805	Sutton et al.			
47.	03/28/2000	6,041,777	Faithfull et al.			
48.	04/18/2000	6,051,566	Bianco			
49.	08/01/2000	6,095,153	Kessler et al.			
50.	08/15/2000	6,102,036	Slutsky et al.			
51.	06/05/2001	6,241,969	Saidi et al.			
52.	07/03/2001	6,255,334	Sands			
53.	07/24/2001	6,264,922	Wood et al.			
54.	01/14/2003	6,506,762	Horvath et al.			
55.	02/04/2003	6,514,482	Bartus et al.			
56.	09/06/2001	US 2001/0020147	Staniforth et al.			
57.	03/28/2002	US 2002/0037828	Wilson et al.			

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		Applicant: Craig C. HODGES, et al.			
		Filing Date: 10/30/2003		Group Art Unit: 1616	

58.	05/16/2002	US 2002/0058009	Bartus et al.			
59.	07/04/2002	US 2002/0086852	Cantor			
60.	08/22/2002	US 2002/0112723	Schuster et al.			
61.	11/28/2002	US 2002/0176841	Barker et al.			
62.	01/02/2003	US 2003/0004142	Prior et al.			

**RELATED ALEXZA MOLECULAR DELIVERY CORPORATION PATENT DOCUMENTS**

63.	08/04/2003	10/633,876	Hale et al.			
64.	08/04/2003	10/633,877	Hale et al.			
65.	12/30/2003	10/749,537	Rabinowitz et al.			
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67.	01/27/2004	10/766,149	Rabinowitz et al.			
68.	01/27/2004	10/766,279	Rabinowitz et al.			
69.	01/27/2004	10/766,566	Rabinowitz et al.			
70.	01/27/2004	10/766,574	Rabinowitz et al.			
71.	01/27/2004	10/766,634	Rabinowitz et al.			
72.	01/27/2004	10/766,647	Rabinowitz et al.			
73.	01/28/2004	10/767,115	Rabinowitz et al.			
74.	01/29/2004	10/768,205	Rabinowitz et al.			
75.	01/29/2004	10/768,220	Rabinowitz et al.			
76.	01/29/2004	10/768,281	Rabinowitz et al.			
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78.	01/30/2004	10/769,046	Rabinowitz et al.			
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81.	01/29/2004	10/769,197	Rabinowitz et al.			
82.	02/09/2004	10/775,583	Rabinowitz et al.			
83.	02/09/2004	10/775,586	Rabinowitz et al.			
84.	03/03/2004	10/791,915	Hale et al.			
85.	03/03/2004	10/792,001	Rabinowitz et al.			
86.	03/03/2004	10/792,012	Hale et al.			
87.	03/03/2004	10/792,013	Rabinowitz et al.			

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		Applicant: Craig C. HODGES, et al.		
		Filing Date: 10/30/2003		Group Art Unit: 1616

88.	03/03/2004	10/792,096	Hale et al.			
89.	03/03/2004	10/792,239	Hale et al.			
90.	03/31/2004	10/813,721	Rabinowitz et al.			
91.	03/31/2004	10/813,722	Rabinowitz et al.			
92.	03/31/2004	10/814,690	Rabinowitz et al.			
93.	03/31/2004	10/814,998	Rabinowitz et al.			
94.	04/01/2004	10/815,527	Rabinowitz et al.			
95.	04/01/2004	10/816,407	Rabinowitz et al.			
96.	04/01/2004	10/816,492	Rabinowitz et al.			
97.	04/01/2004	10/816,567	Rabinowitz et al.			
98.	08/04/2004	10/912,462	Hale et al.			
99.	01/23/2003	US 2003/0015196	Hodges et al.			
100.	04/03/2003	US 2003/0062042	Wensley et al.			
101.	11/13/2003	US 2003/0209240	Hale et al.			
102.	01/02/2003	US 2003/0000518	Rabinowitz et al.			
103.	01/09/2003	US 2003/0005924	Rabinowitz et al.			
104.	01/09/2003	US 2003/0005925	Hale et al.			
105.	01/09/2003	US 2003/0007933	Rabinowitz et al.			
106.	01/09/2003	US 2003/0007934	Rabinowitz et al.			
107.	01/16/2003	US 2003/0012737	Rabinowitz et al.			
108.	01/16/2003	US 2003/0012738	Rabinowitz et al.			
109.	1/16/2003	US 2003/0012740	Rabinowitz et al.			
110.	01/23/2003	US 2003/0015189	Rabinowitz et al.			
111.	01/23/2003	US 2003/0015190	Rabinowitz et al.			
112.	01/23/2003	US 2003/0017114	Rabinowitz et al.			
113.	01/23/2003	US 2003/0017115	Rabinowitz et al.			
114.	01/23/2003	US 2003/0017116	Rabinowitz et al.			
115.	01/23/2003	US 2003/0017117	Rabinowitz et al.			
116.	01/23/2003	US 2003/0017118	Rabinowitz et al.			
117.	01/23/2003	US 2003/0017119	Rabinowitz et al.			
118.	01/23/2003	US 2003/0017120	Rabinowitz et al.			

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		Applicant: Craig C. HODGES, et al.		
		Filing Date: 10/30/2003		Group Art Unit: 1616

119.	1/30/2003	US 2003/0021753	Rabinowitz et al.			
120.	01/30/2003	US 2003/0021754	Rabinowitz et al.			
121.	01/30/2003	US 2003/0021755	Hale et al.			
122.	02/20/2003	US 2003/0035776	Hodges et al.			
123.	05/15/2003	US 2003/0091511	Rabinowitz et al.			
124.	05/27/2004	US 2004/010148	Hale et al.			
125.	07/31/2003	US 2003/0138382	Rabinowitz			
126.	11/06/2003	US 2003/0206869	Rabinowitz et al.			
127.	01/15/2004	US 2004/0009128	Rabinowitz et al.			
128.	05/27/2004	US 2004/0099269	Hale et al.			
129.	06/03/2004	US 2004/0105818	Hale et al.			
130.	06/03/2004	US 2004/0105819	Hale et al.			
131.	07/01/2004	US 2004/0126326	Rabinowitz et al.			
132.	07/01/2004	US 2004/0126327	Rabinowitz et al.			
133.	07/01/2004	US 2004/0126328	Rabinowitz et al.			
134.	07/01/2004	US 2004/0126329	Rabinowitz et al.			
135.	07/01/2004	US 2004/0127481	Rabinowitz et al.			
136.	07/01/2004	US 2004/0127490	Rabinowitz et al.			
137.	08/12/2004	US 2004/0156788	Rabinowitz et al.			
138.	08/12/2004	US 2004/0156789	Rabinowitz et al.			
139.	8/12/2004	US 2004/0156790	Rabinowitz et al.			

#### FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	140.	03/14/1990	EP 0 358 114	Europe			
	141.	08/29/2001	EP 0 606 486	Europe			
	142.	03/07/2001	EP 1 080 720	Europe			
	143.	06/13/1991	WO 91/07947	WIPO			

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION				
(Use several sheets if necessary)				
Docket Number: 00020.08CON		Application Number: 10/696,959		
Applicant: Craig C. HODGES, et al.				
Filing Date: 10/30/2003		Group Art Unit: 1616		

144.	05/11/1994	WO 94/09842	WIPO		
145.	04/11/1996	WO 96/09846	WIPO		
146.	05/09/1996	WO 96/13161	WIPO		
147.	05/09/1996	WO 96/13290	WIPO		
148.	05/09/1996	WO 96/13291	WIPO		
149.	05/09/1996	WO 96/13292	WIPO		
150.	10/03/1996	WO 96/30068	WIPO		
151.	10/10/1996	WO 96/31198	WIPO		
152.	08/07/1997	WO 97/27804	WIPO		
153.	05/28/1998	WO 98/22170	WIPO		
154.	08/27/1998	WO 98/36651	WIPO		
155.	12/16/1999	WO 99/64094	WIPO		
156.	05/25/2000	WO 00/29053	WIPO		
157.	11/09/2000	WO 00/66084	WIPO		
158.	12/21/2000	WO 00/76673	WIPO		
159.	01/25/2001	WO 01/05459	WIPO		
160.	07/25/2002	WO 02/056866	WIPO		
161.	07/23/1998	WO 98/31346	WIPO		
162.	05/18/2000	WO 00/27363	WIPO		
163.	03/28/2002	WO 02/24158	WIPO		

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	164.	Bennett, R.L. et al. (1981). "Patient-Controlled Analgesia: A New Concept of Postoperative Pain Relief," <i>Annual Surg.</i> 195(6):700-705.
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